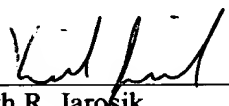




DAC 8
JFW

U.S. Serial No. 09/205,318
Petition To Suspend The Rules Under 37 C.F.R. §1.183

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	: LEPAGE et al.	) I hereby certify that this paper (and/or
U.S. Serial No.	: 09/205,318	) fee) is being deposited with the United
Filed	: December 4, 1998	) States Postal Service as first class mail
Title	: Roll-Up Door for Vehicle Shelters	) in an envelope addressed to:
		) Mail Stop Appeal Brief – Patents
		) Commissioner for Patents
		) P.O. Box 1450
		) Alexandria, VA 22313-1450
)
		) on this date:
)
Art Unit	: 3634	) Dated: December 8, 2005
)
Examiner	: Blair M. Johnson) 
		) Keith R. Jarosik
		) Registration No. 47,683

**PETITION TO SUSPEND THE RULES UNDER 37 C.F.R. §1.183 AND PETITION
FOR EXTENSION OF TIME UNDER 37 C.F.R. §1.136(b)**

Mail Stop Appeal Brief – Patents
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Applicants of United States Patent Application Number 09/205,318 hereby petition for a suspension of the rules under 37 C.F.R. §1.183 and a waiver of the filing due date requirement under 37 C.F.R. §1.136(b) in the interest of justice, to permit filing of the Applicants' Reply Brief, filed concurrently herewith.

12/13/2005 DENMANU1 00000031 09205318

01 FC:1462

400.00 DP

REMARKS

Pursuant to 37 C.F.R. §1.183, the Applicants include the petition fee required by 37 C.F.R. §1.17(f). The undersigned Attorney for Applicants respectfully submits that extraordinary circumstances exist in this case, and that justice requires the suspension of the filing due date requirement under 37 C.F.R. §1.136(b). In particular, the Applicants note that an inadvertent docketing error resulted in the filing of the accompanying Reply Brief more than two months after the mailing of the Supplemental Examiner's Answer. In particular, the undersigned requests that in the interest of justice, the Commissioner consider the following, presented on information and belief:

1. On December 19, 2003, the Applicants received an Office communication stating that a Reply Brief filed on December 1, 2003 had been entered, considered, and forwarded to the Board of Patent Appeals and Interferences for decision on the appeal.
2. On April 8, 2004, the Board of Patent Appeals and Interferences mailed a Docketing Notice indicating that Application 09/205,318 was assigned Appeal No. 2004-1166.
3. On April 14, 2004, the Board of Patent Appeals and Interferences remanded the Appeal to the examiner for further analysis in view of *Ex parte Eggert*. The Board indicated in the Remand that the "in the event that the examiner furnishes a supplemental answer, the appellant may file a reply brief in accordance with 37 C.F.R. §1.193(b)(1) [now 37 C.F.R. §41.50]."
4. On May 25, 2005, Applicant's counsel was changed. It is apparent that the originally filed Power of Attorney was not received and/or processed by the

Office. The Applicants furnish a copy of the originally filed Power of Attorney herewith.

5. On June 8, 2005, Examiner Blair M. Johnson mailed a Supplemental Examiner's Answer to the Applicants' former counsel.
6. The Applicants' former counsel properly forwarded the copy of the Supplemental Examiner's Answer to current counsel, Hanley, Flight and Zimmerman LLC ("the Firm").
7. The Supplemental Examiner's Answer was received by the Firm's docketing department, but without deceptive intent, and in error, the matter was not properly docketed. Specifically, no response deadlines to the Supplemental Examiner's Answer were entered into the system. This error went unnoticed by the Firm.
8. On November 1, 2005, the Assignee brought the docketing oversight to the attention of the Firm.
9. On November 4, 2005, the undersigned Attorney promptly called the Board of Patent Appeals and Interferences and the examiner regarding the status of the application. The undersigned was instructed to file a Petition to Suspend the Rules under 37 C.F.R. §1.183 to have this Reply Brief considered.
10. Applicants have, since discovering the docketing oversight, maintained diligent efforts in drafting and filing the accompanying Reply Brief.

Conclusion

Accordingly, in light of the foregoing docketing error, the Applicants respectfully request that this petition be granted and that the Applicants be granted a suspension of the rules under 37 C.F.R. §1.183 and a waiver of the filing requirements under 37 C.F.R. §1.136(b). Finally, the Applicants request the entrance and consideration of the accompanying Reply Brief.

PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. §1.136(b)

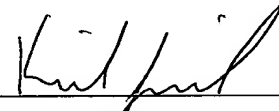
In the event that the above Petition to Suspend the Rules under 37 C.F.R. §1.183 is granted, the Applicants hereby petition for a four-month extension of time to file the accompanying Reply Brief. As noted above, the Applicants respectfully maintain that such extension of time is for sufficient cause in view of the inadvertent docketing oversight.

Accordingly, this is a petition for an extension of time under 37 CFR 1.136(b) for four months. If an additional extension of time is required, please consider this a petition therefor.

The Commissioner is hereby authorized to charge any fees which may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 50-2455.

Respectfully submitted,

Dated: December 8, 2005



Keith R. Jarosik
Reg. No. 47,683
Hanley, Flight & Zimmerman LLC
20 North Wacker Drive
Suite 4220
Chicago, Illinois 60606
(312) 580-1020
Attorney for Applicants